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EXAMINER

TRUONG, CAM Y T

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 05/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,974

Applicant(s)

SCHWARTZ ET AL.

Examiner

Cam Y T Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

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DETAILED ACTION

1. Claims 1-22 are pending in this Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-8, 14, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al (USP 6268849).

As to claim 1, Boyer teaches the claimed limitations:

“accessing a first database that includes program information describing the plurality of programs through program attributes” as accessing a database of web server 55. This database, which contains program listings describing the plurality of programs such as category program list page 860 and program lists 826, is transferred from server 16. Each category program list page 860 has attributes such as channel and time & date (col. 4, lines 35-40; col. 5, lines 2-50; col. 11, lines 9-15) “obtaining user-defined criteria identifying preferred program attributes and non-preferred program attributes” as when movie category is selected, the user is presented with category program list page 860, as shown in fig. 14. The first movie program is Land of The Pharaohs. This movie has two attributes such as time& date sat 07 12:00PM and channel 21 AMC. These attributes are identified as preferred program attributes for the

first movie program. However, these attributes are identified as non-preferred program attributes for the second movie program Erotic Princess (fig. 14, col. 11, lines 9-15).

Boyer fails to teach the claimed limitation "and sorting through the first database to determine a program having program attributes that include the preferred program attributes and exclude the non-preferred program attributes". However, Boyer teaches that after a user selects movie category of database, the system displays a list of programs i.e., Land of The Pharaohs and Erotic Princess. In the movie Land of The Pharaohs has two attributes such as time & date sat 07 12:00 PM and channel 21 AMC In the movie Erotic Princess has two attributes such as Sat 07 1:00 PM and Channel 98 Spice. The attributes of the movie Land of The Pharaohs are include in the program movie Land of The Pharaohs and exclude in the program movie Erotic Princess. The above information shows that the system has to sort the database to contain Sat 07 1:00 PM and Channel 98 in the movie Land of the Pharaohs and not contain these attributes in the movie Erotic Princess (fig. 14, col. 4, lines 35-40; col. 5, lines 2-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of after a user selects movie category of database, the system displays a list of programs i.e., Land of The Pharaohs and Erotic Princess. In the movie Land of The Pharaohs has two attributes such as time & date sat 07 12:00 PM and channel 21 AMC In the movie Erotic Princess has two attributes such as Sat 07 1:00 PM and Channel 98 Spice. The attributes of the movie Land of The Pharaohs are include in the program movie Land of The Pharaohs and exclude in the program movie Erotic Princess. The above information shows that the

system has to sort the database to contain Sat 07 1:00 PM and Channel 98 in the movie Land of the Pharaohs and not contain these attribute in the movie Erotic Princess in order to organize or category a database and provide a correct program following user's desires.

As to claim 2, Boyer teaches the claimed limitation "presenting the program to the user for selection" as (figs. 13-14).

As to claim 5, Boyer fails to teach the claimed limitation "wherein said sorting involves applying a logical AND and a logical NOT to the program attributes". However, Boyer teaches that that after a user selects movie category of database, the system displays a list of programs i.e., Land of The Pharaohs and Erotic Princess. In the movie Land of The Pharaohs has two attributes such as time & date sat 07 12:00 PM and channel 21 AMC In the movie Erotic Princess has two attributes such as Sat 07 1:00 PM and Channel 98 Spice. The attributes of the movie Land of The Pharaohs are include in the program movie Land of The Pharaohs and not included in the program movie Erotic Princess. The above information shows that the system has applied a logical AND and a logical NOT to the program attributes to contain Sat 07 1:00 PM and Channel 98 in the movie Land of the Pharaohs and not contained these attributes in the movie Erotic Princess (fig. 14, col. 4, lines 35-40; col. 5, lines 2-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of after a user selects movie category

of database, the system displays a list of programs i.e., Land of The Pharaohs and Erotic Princess. In the movie Land of The Pharaohs has two attributes such as time & date sat 07 12:00 PM and channel 21 AMC In the movie Erotic Princess has two attributes such as Sat 07 1:00 PM and Channel 98 Spice. The attributes of the movie Land of The Pharaohs are include in the program movie Land of The Pharaohs and not included in the program movie Erotic Princess. The above information shows that the system has applied a logical AND and a logical NOT to the program attributes to contain Sat 07 1:00 PM and Channel 98 in the movie Land of the Pharaohs and not contained these attribute in the movie Erotic Princess in order to include a correct attribute for a program.

As to claims 6 and 22, Boyer fails to teach the claimed limitation " wherein the program attributes and the user-defined attributes are selected from a group that includes channel, actor, director, title, genre, language, critical rating, call sign, play content, maturity rating, multi-part format and seasonal content". However, Boyer teaches that the attributes of the movie programs includes channel, genre, title, and time & date (fig. 14). Thus, it is obvious to add another attributes to movie programs.

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of the attributes of the movie programs includes channel, genre, title, and time & date in order to provide more information about programs to a user.

As to claim 7, Boyer fails to teach the claimed limitation "repeatedly sorting through the first database". However, Boyer teaches that the program guide services allows the user to manipulate the television listing by searching or sorting through the listings using criteria such as genre, channel, and broad cast time (col. 1, lines 37-42). This information shows that a user can sort the television lists any time.

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of the program guide services allows the user to manipulate the television listing by searching or sorting through the listings using criteria such as genre, channel, and broad cast time in order to allow a user to rearrange a database following user's desired.

As to claim 8, Boyer teaches the claimed limitation "updating the program information of the first database" as (col. 4, lines 12-15).

As to claim 14, Boyer teaches the claimed limitations:

"a memory to receive and to store program information describing a plurality of programs through program attributes" as television program information including television program listings information and related real-time data may transferred from transmission server 16 to web server 55. The user of such a multimedia system has the capability to access an interactive internet television program guide having embedded real time data within its program listing using web server 55. This

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information shows that web server 55 has included a memory to store television program information to allow a user to access (col. 5, lines 3-50);

"a source of user-defined criteria" as (fig. 13), "wherein the user-defined criteria identify preferred program attributes and non-preferred program attributes" as when movie category is selected, the user is presented with category program list page 860, as shown in fig. 14. The first movie program is Land of The Pharaohs. This movie has two attributes such as time & date sat 07 12:00PM and channel 21 AMC. These attributes are identified as preferred program attributes for the first movie program. However, these attributes are identified as non-preferred program attributes for the second movie program Erotic Princess (fig. 14, col. 11, lines 9-15).

Boyer fails to teach the claimed limitation "a preference module configured to sort through the program information to determine a program having program attributes that include the preferred program attributes and exclude the non-preferred program attributes". However, Boyer teaches that after a user selects movie category of database, the system displays a list of programs i.e., Land of The Pharaohs and Erotic Princess. In the movie Land of The Pharaohs has two attributes such as time & date sat 07 12:00 PM and channel 21 AMC In the movie Erotic Princess has two attributes such as Sat 07 1:00 PM and Channel 98 Spice. The attributes of the movie Land of The Pharaohs are include in the program movie Land of The Pharaohs and exclude in the program movie Erotic Princess. The above information shows that the system has included a preference module to sort the database to contain Sat 07 1:00 PM and

Channel 98 in the movie Land of the Pharaohs and not contain these attribute in the movie Erotic Princess (fig. 14, col. 4, lines 35-40; col. 5, lines 2-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of after a user selects movie category of database, the system displays a list of programs i.e., Land of The Pharaohs and Erotic Princess. In the movie Land of The Pharaohs has two attributes such as time & date sat 07 12:00 PM and channel 21 AMC In the movie Erotic Princess has two attributes such as Sat 07 1:00 PM and Channel 98 Spice. The attributes of the movie Land of The Pharaohs are include in the program movie Land of The Pharaohs and exclude in the program movie Erotic Princess. The above information shows that the system has to sort the database to contain Sat 07 1:00 PM and Channel 98 in the movie Land of the Pharaohs and not contain these attribute in the movie Erotic Princess in order to provide a correct program following user's desires.

As to claim 21, Boyer teaches the claimed limitation "wherein the preference module applies a logical AND and a logical NOT to the program attributes". However, Boyer teaches that that after a user selects movie category of database, the system displays a list of programs i.e., Land of The Pharaohs and Erotic Princess. In the movie Land of The Pharaohs has two attributes such as time & date sat 07 12:00 PM and channel 21 AMC In the movie Erotic Princess has two attributes such as Sat 07 1:00 PM and Channel 98 Spice. The attributes of the movie Land of The Pharaohs are include in the program movie Land of The Pharaohs and not included in the program

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movie Erotic Princess. The above information shows that the system has included a preference module to apply a logical AND and a logical NOT to the program attributes to contain Sat 07 1:00 PM and Channel 98 in the movie Land of the Pharaohs and not contained these attribute in the movie Erotic Princess (fig. 14, col. 4, lines 35-40; col. 5, lines 2-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of after a user selects movie category of database, the system displays a list of programs i.e., Land of The Pharaohs and Erotic Princess. In the movie Land of The Pharaohs has two attributes such as time & date sat 07 12:00 PM and channel 21 AMC In the movie Erotic Princess has two attributes such as Sat 07 1:00 PM and Channel 98 Spice. The attributes of the movie Land of The Pharaohs are include in the program movie Land of The Pharaohs and not included in the program movie Erotic Princess. The above information shows that the system has applied a logical AND and a logical NOT to the program attributes to contain Sat 07 1:00 PM and Channel 98 in the movie Land of the Pharaohs and not contained these attribute in the movie Erotic Princess in order to include a correct attribute for a program.

4. Claims 3, 4, 9-13, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al (USP 6268849) in view of Etheredge (USP 6172674).

As to claim 3, Boyer discloses the claimed limitation subject matter in claim 1, except the claimed limitation "recording the program for deferred selection by the user".

However, Boyer teaches a user can select any category (figs. 13-14). Etheredge teaches that the electronic program guide allows the user to highlight shows and select them for later recording or viewing (col. 8, lines 45-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Etheredge's teaching of the electronic program guide allows the user to highlight shows and select them for later recording or viewing to Boyer's system to monitor user's actions.

As to claim 4, Boyer discloses the claimed limitation subject matter in claim 1, except the claimed limitation "receiving a user input to modify the user-defined attributes". However, Boyer teaches a user can select any category (figs. 13-14). Etheredge teaches that that user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. It means that whenever user changes his or her profile, the user modifies the use-defined attributes. User names or titles are represented as the user-defined attributes. User profile database 269 is represented as second database (fig. 3, col. 8, lines 53-54; col. 9, lines 56-57).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Etheredge's teaching of user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes. User profile database 269 is

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represented as second database to Boyers' system in order to allow users to create or update their profiles any time they want.

As to claim 9, Boyer discloses the claimed limitation subject matter in claim 8, except the claimed limitation "further comprising repeatedly sorting through the first database including updated program information". However, Boyer teaches sorting through the listings using criteria such as genre, channel and broadcast time. Etheredge teaches that client computer can maintain database (col. 9, lines 12-17). It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Boyer's teaching of sorting through the listings using criteria and Etheredge's teaching of maintaining database in order to provide organize database to user's desire.

As to claim 10, Boyer discloses the claimed limitation subject matter in claim 1, except the claimed limitation "the user-defined attributes are obtained from a second database". However, Boyer teaches that database contains program attributes such as channel and time& data (fig. 14). Etheredge teaches that user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database (fig. 3, col. 8, lines 53-54; col. 9, lines 56-57).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Etheredge's teaching of user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database to Boyers' system in order to allow a users to create or update their profiles any time they want.

As to claim 11, Boyer discloses the claimed limitation subject matter in claim 10, except the claimed limitation "wherein the second database stores multiple sets of user-defined attributes for multiple users". However, Boyer teaches that database contains program attributes such as channel and time& data (fig. 14). Etheredge teaches that user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. Since the system allow any user can create her or his profile, thus this profile can stores multiple user-defined attributes. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database (fig. 3, col. 8, lines 53-54; col. 9, lines 56-57).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Etheredge's teaching of user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names

or title are represented as the user-defined attributes. User profile database 269 is represented as second database to Boyers' system in order to allow users to create or update their profiles any time they want.

As to claim 12, Boyer discloses the claimed limitation subject matter in claim 10, except the claimed limitation "wherein the second database stores multiple sets of user-defined attributes for a user". However, Boyer teaches that database contains program attributes such as channel and time & data (fig. 14). Etheredge teaches that user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database (fig. 3, col. 8, lines 53-54; col. 9, lines 56-57).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Etheredge's teaching of user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database to Boyers' system in order to allow a users to create or update their profiles any time they want.

As to claim 13, Boyer discloses the claimed limitation subject matter in claim 1, except the claimed limitation 'wherein the user-defined attributes are obtained from an input device under control of the user'. However, Boyer teaches that database contains program attributes such as channel and time & data (fig. 14). Etheredge teaches that user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. The above information shows that the system has included a input device. Thus, a user can enter user names or title to a use profile database. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database (fig. 3, col. 8, lines 53-54; col. 9, lines 56-57).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Etheredge's teaching of user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database to Boyers' system in order to allow a users to create or update their profiles any time they want.

As to claim 15, Boyer teaches the claimed limitation "comprising a graphical user interface for presenting the program to a user for selection" as (figs.13-14).

As to claim 16, Boyer discloses the claimed limitation subject matter in claim 15, except the claimed limitation "wherein the graphical user interface is configured to receive a user input to modify the user-defined attributes". However, Boyer teaches that a user selects a category (fig. 13). Etheredge teaches that user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. The above information shows that the system has included an interface to a user to update a user profile or modify user profile. Thus, a user can enter user names or title to a user profile database. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database (fig. 3, col. 8, lines 53-54; col. 9, lines 56-57).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Etheredge's teaching of user profile database 296 stores user profile information which user names, channel mapping, topics, agents and title. The system allows users to change user profiles from one user to another. User names or title are represented as the user-defined attributes. User profile database 269 is represented as second database to Boyers' system in order to allow users to create or update their profiles any time they want.

As to claim 17, Boyer teaches the claimed limitation "wherein the graphical user interface is configured to receive a user input to select the program" as (fig. 13).

As to claim 18, Boyer discloses the claimed limitation subject matter in claim 14, except the claimed limitation "a storage device configured to record the program for deferred selection by a user". However, Boyer teaches a user can select any category (figs. 13-14). Etheredge teaches that the electronic program guide allows the user to highlight shows and select them for later recording or viewing. This information shows that the system has included a storage device to record the program for later viewing (col. 8, lines 45-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Etheredge's teaching of the electronic program guide allows the user to highlight shows and select them for later recording or viewing to Boyer's system to monitor user's actions.

As to claim 19, Boyer discloses the claimed limitation subject matter in claim 18, except the claimed limitation the preference module is configured to initiate automatic recording of the program determined by the preference module. However, Boyer teaches a user can select any category (figs. 13-14). Etheredge teaches that the electronic program guide allows the user to highlight shows and select them for later recording or viewing. The above information show that the system has included a preference module to initiate automatic recording of the program based on user's selection (col. 8, lines 45-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Etheredge's teaching of the electronic program guide

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allows the user to highlight shows and select them for later recording or viewing to Boyer's system to monitor user's actions.

As to claim 20, Boyer discloses the claimed limitation subject matter in claim 1, except the claimed limitation "wherein the preference module is configured to initiate recording of the program upon the user selecting the program determined by the preference module". However, Boyer teaches a user can select any category (figs. 13-14). Etheredge teaches that the electronic program guide allows the user to highlight shows and select them for later recording or viewing. The above information shows that the system has included a preference module is configured to initiate recoding of a program upon the user selects (col. 8, lines 45-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Etheredge's teaching of the electronic program guide allows the user to highlight shows and select them for later recording or viewing to Boyer's system to monitor user's actions.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

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Lemmons (USP 6481011).

Contact Information

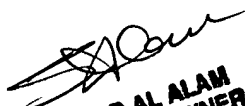
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Y Truong whose telephone number is (703-605-1169). The examiner can normally be reached on Mon-Fri from 8:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu, can be reached on (703-305-4393). The fax phone numbers for the organization where this application or proceeding is assigned is (703)-746-7239 (formal communications intended for entry), or: (703)-746-7240 (informal communication labeled PROPOSED or DRAFT).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Cam-Y Truong

5/7/03


SHAHID AL ALAM
PATENT EXAMINER
Primary